

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
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DATE FILED: 12/16/2019

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BRIIA JENKINS,

Plaintiff,

-against-

JUDGMENT

THE CITY OF NEW YORK, et. al.

18-Civ-09177 (LGS)

Defendants.

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Plaintiff Briia Jenkins is hereby granted judgment against the City of New York in the amount of Seven Thousand Five Hundred and One (\$7,501.00) Dollars plus reasonable attorney's fees, expenses and costs to November 14, 2019 for plaintiff's federal claims.

This Judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This Judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

This Judgment will act to release and discharge defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

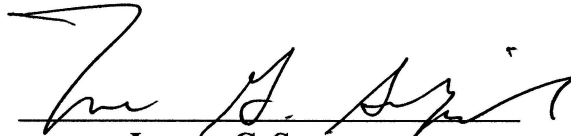
This Judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Payment of Seven Thousand Five Hundred and One (\$7,501.00) Dollars within ninety (90) days of November 27, 2019, the date of acceptance of defendants' FRCP Rule 68 offer, shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Briia Jenkins is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendants a final demand letter from Medicare.

Plaintiff Briia Jenkins must resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

Plaintiff Briia Jenkins shall be deemed to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: December 16, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE